



TITLE IX THE BATTLE FOR GENDER EQUITY IN ATHLETICS IN COLLEGES AND UNIVERSITIES

Title IX of the Education Amendments of 1972 bars sex discrimination in all schools that receive federal funding, including in their athletic programs. Title IX requires schools to (1) offer members of both sexes equal opportunities to play sports; (2) allocate athletic scholarships equitably; and (3) treat male and female athletes equally with respect to other benefits and services, such as equipment, coaching, and facilities. While Title IX has led to greater opportunities for girls and women to play sports and receive scholarships and other benefits that flow from sports participation, its goal of equal opportunity in sports has yet to be realized.

Title IX Has Partially Opened Doors for Women

Because of Title IX, women have gone from being almost totally excluded from athletics to having a disproportionately small but important share of athletic opportunities.

- When Congress passed Title IX in 1972, fewer than 32,000 women competed in intercollegiate athletics.¹ Women received only 2% of schools' athletics budgets, and athletic scholarships for women were nonexistent.²
- Title IX has made a huge difference in female participation in intercollegiate sports. The number of college women participating in competitive athletics is now over six times the pre-Title IX rate. In 2013-14, a record number of 207,814 women competed, representing 43.5% of college athletes nationwide.³

Despite Advances, Women Have Not Yet Achieved Equity in Athletics

- Although women are over half of the undergraduates in our colleges and universities, female participation in intercollegiate sports just recently caught up to pre-Title IX male participation: While 170,384 men played college sports in 1971-72 (Title IX was passed in 1972), female intercollegiate athletes did not number 170,000 until 2005-06.⁴

Young Women Face Inequities Nationwide

Complaints of discrimination involve schools providing women with fewer opportunities to play and inferior treatment.

- **Connecticut:** In 2009, Quinnipiac University in Hamden, Connecticut, cut its women's volleyball team and elevated cheerleading to varsity sport status. The volleyball team's coach, along with several players, sued the school alleging that the changes violated Title IX.⁵ The court ruled that cheerleading was not developed enough to count as a sport under Title IX and ordered Quinnipiac to reinstate volleyball.⁶
- **California:** In 2003, female students at the University of California Davis filed a Title IX suit alleging that they had been denied access to the school's wrestling team, which had previously been open to both men and women. The students also claimed that UC Davis was not providing women with equal participation opportunities overall. The case settled in 2012 after a court ruling that UC Davis had not expanded its athletics programs for women in a manner compliant with Title IX.⁷



Examples of Unequal Opportunities - *continued* -

- **Georgia:** Fort Valley State University in Fort Valley, Georgia eliminated its women's volleyball team in March 2012, leaving its players who were attending the school on athletic scholarships out in the cold. Eliminating the team threatened the university's compliance with Title IX, because without the opportunities provided by the volleyball team, it could not provide equal opportunities for male and female students. Upon the urging of Title IX advocates, Fort Valley State reinstated the team and the scholarships of its players.⁸

- And the playing field is still not level. While more than half of the students at NCAA schools are women, they receive only 43.5% of the athletic participation opportunities.⁹
- Female athletes at the typical Division I-FBS (formerly Division I-A) school receive only 29% of the total money spent on athletics, 28% of the recruiting dollars, and 39% of the athletic scholarship dollars.¹⁰ For every dollar spent on women's sports, about two and a half dollars are spent on men's sports.¹¹
- There is no shortage of interest by women and girls in participating in athletics. Since 1972, when Title IX first opened up opportunities for women and girls, female participation in athletics has skyrocketed, disproving claims made by opponents of Title IX that the lower numbers of female athletes are due to lack of interest as opposed to lack of opportunities.¹²

Women Who Play Sports Experience Significant Benefits

Competitive athletics promote greater academic and employment success, increased personal skills, and a multitude of health benefits for all female athletes.¹³ Title IX's mandate of equality in sports is especially important for minority women and girls.

Greater Academic Opportunities and Success

- Female college athletes in NCAA Division I schools generally graduate at higher rates than other students.¹⁴
- The availability of athletic scholarships dramatically increases a young woman's ability to pursue a college education and to choose from a wider range of colleges and universities. Yet women still do not receive their fair share of athletic scholarship dollars. In 2010, women at the typical Division I-FBS school received roughly 39% of the total available athletic scholarship dollars—a difference that amounts to over \$1.2 million more

per year in athletic scholarships for men at the typical school.¹⁵

- Minority female athletes get better grades than their non-athlete peers.¹⁶ In particular, black female athletes are 13% more likely to graduate from college.¹⁷ Hispanic female athletes are more likely to graduate from high school and attend college.¹⁸

Increased Employment Opportunities

- A study using state-level data concluded that an increase in female sports participation leads to an increase in women's labor force participation down the road and greater female participation in previously male-dominated occupations, particularly high-skill, high-wage ones.¹⁹
- In addition, more than four out of five executive businesswomen played sports growing up, and the vast majority reported that the lessons they learned on the playing field contributed to their success in business.²⁰
- Female and minority athletes are more likely to aspire to hold leadership positions later in life than their peers who are not athletes.²¹

Health Benefits

- Sports participation decreases a young woman's chance of developing heart disease, osteoporosis, and other health related problems.²²
- Women who participate in sports significantly reduce their risk of developing breast cancer.²³
- Female college athletes are less likely to smoke²⁴ and use drugs²⁵ than their non-athlete peers.
- Female college athletes are significantly less likely to get pregnant than their non-athlete peers.²⁶
- Young women who play sports tend to have a higher level of self-esteem, a lower incidence of depression, and a more positive body image.²⁷



Increased Opportunities for Female Athletes: Success Stories

Increased participation by women and girls in sports since Title IX has led to a new generation of athletes and fans who pack stadiums and spend a growing number of consumer dollars on women's sports.

Basketball

- In 1989, the University of Connecticut's women's basketball team played before just 287 fans in the front half of a doubleheader shared with the men. During the 2009-10 season, UConn women set the NCAA "record for invincibility"²⁸ through their 90-game winning streak, supported by a total of 357,627 fans attending Connecticut's 39 games.²⁹ The UConn women have won the national title for the past three years since the 2012-13 season.³⁰
- The United States' women's basketball team is a powerhouse that has won the gold medal at the last five Summer Olympics.³¹

Soccer

- Women's soccer teams have increased from 318 NCAA teams in 1991 to 1,022 teams in 2014.³²
- Women's professional soccer continues to grow in popularity as well. The first time the United States hosted the Women's World Cup in 1999, fans broke attendance records for a women's sports event. The final between the United States and China brought a crowd of 90,185 to the Rose Bowl—the largest crowd ever to witness a women's athletic event.³³

- The 2011 Women's World Cup final broke the Twitter world record in number of tweets per second: 7,196.³⁴
- In 2013, women's soccer powerhouse Abby Wambach broke Mia Hamm's all-time goal record, scoring her 159th goal in a game against South Korea - Wambach holds the current record for international goals for men and women.³⁵
- In 2015, the United States team defeated Japan 5-2 to win the women's World Cup, becoming the first team to win three women's World Cups.³⁶ The game took the record as the most-watched soccer game—men's or women's—in U.S. history.³⁷

Olympics

- The first African American ever to win a gold medal in the Winter Olympics was a woman in the 2002 Olympics.³⁸
- In 2012, the 40th anniversary of Title IX, women outnumbered men on the U.S. Olympic Team for the first time ever.³⁹ The London Games were even called the "Title IX Olympics" by the media.⁴⁰ American women took home 58 medals at the 2012 Games.⁴¹
- At the 2014 Winter Olympics, the U.S. women's ice hockey team continued its streak of medaling at every Olympic game since the sport was introduced in 1998,⁴² earning a silver medal.⁴³

Women and girls have come a long way since the enactment of Title IX, but much work still needs to be done to fulfill the law's promise.

Are you concerned about sports inequities at your school? Contact NWLC to share your story or for further information.

¹ See Title IX of the Education Amendments of 1972; A Policy Interpretation; Title IX and Intercollegiate Athletics, 44 Fed. Reg. 71,413, 71,419 (Dec. 11, 1979) (codified at 45 C.F.R. pt. 86).

² 130 CONG. REC. S4601 (daily ed. Apr. 12, 1984) (statement of Sen. Ted Stevens).

³ NATIONAL COLLEGIATE ATHLETIC ASSOCIATION (NCAA), 1981-1982—2013-14 NCAA SPORTS SPONSORSHIP AND PARTICIPATION RATES REPORT 75-76 (2014), available at <http://www.ncaapublications.com/productdownloads/PR1314.pdf>.

⁴ NATIONAL COLLEGIATE ATHLETIC ASSOCIATION (NCAA), 1981-82—2005-06 NCAA SPORTS SPONSORSHIP AND PARTICIPATION RATES REPORT 76, 78, 224 (2006), available at <http://www.ncaapublications.com/productdownloads/PSR07.pdf>.

⁵ Kolbe Franklin, *Quinnipiac University Sued for Title IX Violation*, NATIONAL WOMEN'S LAW CENTER (May 14, 2009), available at <http://www.nwlc.org/our-blog/quinnipiac-university-sued-title-ix-violation>.

⁶ *Biediger v. Quinnipiac Univ.*, 728 F. Supp. 2d 62 (D. Conn. 2010), *aff'd*, 691 F.3d 85 (2d Cir. 2010).

⁷ Don Thompson, Associated Press, *UC Davis Pays \$1.35M to Settle Title IX Case*, DIVERSE ISSUES IN HIGHER EDUC. (Feb. 20, 2012), available at <http://diverseeducation.com/article/16844/>.

⁸ *Fort Valley State University Reinstates Women's Volleyball Team to Avoid Title IX Suit*, PUBLIC JUSTICE (Aug. 13, 2012), available at <http://publicjustice.net/content/fort-valley-state-university-reinstates-womens-volleyball-team-avoid-title-ix-suit-1>.

⁹ NATIONAL COLLEGIATE ATHLETIC ASSOCIATION (NCAA), 1981-1982—2010-11 NCAA SPORTS SPONSORSHIP AND PARTICIPATION RATES REPORT 4 (2014), available at <http://www.ncaapublications.com/productdownloads/PR2012.pdf>.

¹⁰ NATIONAL COLLEGIATE ATHLETIC ASSOCIATION (NCAA), 2004-2010 GENDER-EQUITY REPORT 31, 33 (2012), available at <http://www.ncaapublications.com/productdownloads/GEQS10.pdf>. (All figures from the NCAA Gender Equity Report exclude spending that is not specifically allocated by gender.)

¹¹ *Id.* at 36.



- ¹² NATIONAL FEDERATION OF STATE HIGH SCHOOL ASSOCIATIONS, 2013-14 HIGH SCHOOL ATHLETICS PARTICIPATION SURVEY 2 (2014), available at http://www.nfhs.org/ParticipationStatics/PDF/2010-11_NFHS_Participation_Survey.pdf; NCAA, *supra* note 10, at 3.
- ¹³ ALEX POINSETT, THE ROLE OF SPORTS IN YOUTH DEVELOPMENT: REPORT OF A MEETING CONVENED BY CARNEGIE CORPORATION OF NEW YORK 9 (1996) available at <http://eric.ed.gov/?id=ED407376>.
- ¹⁴ WOMEN'S SPORTS FOUNDATION, HER LIFE DEPENDS ON IT II: SPORT, PHYSICAL ACTIVITY, AND THE HEALTH AND WELL-BEING OF AMERICAN GIRLS AND WOMEN 49-50 (2009), available at <http://goo.gl/zSOYsw>; Michelle Brutlag Hosick, *Division I Student-Athletes Show Progress in Graduation Success Rate*, NCAA (Oct. 24, 2013, 6:46 PM), available at <http://www.ncaa.com/news/ncaa/article/2013-10-24/division-i-student-athletes-show-progress-graduation-success-rate>.
- ¹⁵ NCAA, *supra* note 10, at 24, 76, 33.
- ¹⁶ WOMEN'S SPORTS FOUNDATION, MINORITIES IN SPORTS: THE EFFECT OF VARSITY SPORTS PARTICIPATION ON THE SOCIAL, EDUCATIONAL, AND CAREER MOBILITY OF MINORITY STUDENTS 7 (1989), available at <http://www.womenssportsfoundation.org/home/research/articles-and-reports/athletes-of-color/minorities-in-sports>.
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- ¹⁸ WOMEN'S SPORTS FOUNDATION, *supra* note 14, at 49. See generally NATIONAL WOMEN'S LAW CENTER & POVERTY & RACE RESEARCH ACTION COUNCIL, FINISHING LAST: GIRLS OF COLOR AND SCHOOL SPORTS OPPORTUNITIES 7 (2015), available at http://www.nwlc.org/sites/default/files/pdfs/final_nwlc_girlsfinish-inglast_report.pdf.
- ¹⁹ Betsey Stevenson, *Beyond the Classroom: Using Title IX to Measure the Return to High School Sports* 23-24 (Nat'l Bureau of Econ. Research, Working Paper No. 15728, 2010).
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- ²¹ WOMEN'S SPORTS FOUNDATION, *supra* note 16, at 32.
- ²² See generally WOMEN'S SPORTS FOUNDATION, HER LIFE DEPENDS ON IT III: SPORT, PHYSICAL ACTIVITY, AND THE HEALTH AND WELL-BEING OF AMERICAN GIRLS AND WOMEN (2015), available at <http://goo.gl/vU6VMb>; Dorothy Teegarden et al., *Previous Physical Activity Relates to Bone Mineral Measures in Young Women*, 28 MED. & SCI. IN SPORTS & EXERCISE 105 (1996).
- ²³ Leslie Bernstein et al., *Physical Exercise and Reduced Risk of Breast Cancer in Young Women*, 86 J. NAT'L CANCER INST. 1403 (1994); see also Marilie D. Gammon et al., *Does Physical Activity Reduce the Risk of Breast Cancer?: A Review of the Epidemiologic Literature*, 3 MENOPAUSE: J. N. AM. MENOPAUSE SOC'Y 172 (1996). See generally WOMEN'S SPORTS FOUNDATION, *supra* note 22.
- ²⁴ WOMEN'S SPORTS FOUNDATION, *supra* note 22, at 64.
- ²⁵ *Id.* at 70. Drugs include marijuana, "hard drugs such as cocaine, LSD, opiates, stimulants, or ecstasy," prescription drugs, and "designer 'club' drugs." *Id.*
- ²⁶ *Id.* at 79.
- ²⁷ See, e.g., Don Sabo et al., *High School Athletic Participation and Adolescent Suicide: A Nationwide U.S. Study*, INT'L REVIEW FOR THE SOCIOLOGY OF SPORT (2004) (on file with the Women's Sports Foundation); George Nicoloff & Thomas L. Schwenk, *Using Exercise to Ward Off Depression*, 9 PHYSICIAN SPORTS MED. 23, 44-58 (1995); Randy M. Page & Larry A. Tucker, *Psychosocial Discomfort and Exercise Frequency: An Epidemiological Study of Adolescents*, 29 ADOLESCENCE 113, 183-91 (1994) (suggesting that physically active adolescents tend to feel less lonely, shy, and hopeless as compared to their less physically active peers).
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